IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 155 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHITAL GROUP SEVA SAHAKARI MANDALI LTD

Versus

STATE OF GUJARAT

Appearance:
MR BM MANGUKIYA for Petitioners
MS HANSA PUNANI, ld.AGP for Respondents

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 29/10/2001

ORAL JUDGEMENT

Rule. Ms.Hansa Punani, ld.AGP waives service of Rule on behalf of the respondents.

2. With the consent of the parties, the matter is

taken up for final hearing today.

3. The petitioners in this petition have challenged the order dated 17th Dec.1999 at Annexure.A passed by the respondent no.2 - Deputy Secretary, Agriculture and Cooperation Department, rejecting the revision application filed by the petitioners by observing that six dates for hearing were given and on none of the dates the petitioners remained present. In substance, the respondent no.2 has not decided the revision application on merits.

4. This Court, by its order dated 23rd July 2001 called upon the respondents to produce the record regarding the intimation sent about the dates of six hearing referred to in the impugned order dated 17th Dec.1999. The respondents were also directed to point out the action/steps taken by them after the revision application was dismissed by the State Government. However, the said order was not complied with. With a view to give one more chance to the respondents, this Court again, by its order dated 22nd Oct.2001 directed the respondent no.2 to place on record the aforesaid details on the next date of hearing.

5. Today also, when the matter is called out, Ms.Punani, ld.AGP submitted that the said respondent was in fact informed about the order dated 22nd Oct.2001 by letter dated 23rd Oct.2001 and also on phone. It is a matter of concern that the respondent no.2 has not made its stand clear when it was specifically asked to do the same. Under the circumstances, this petition is required to be allowed only on the ground that the petitioners are not heard by the respondent no.2. My attention has been invited by learned Counsel for the petitioners to the letters dated 3.4.1999 at Annexure.C and 137.1999 at Annexure.D to the petition addressed by the petitioners to the respondent no.2 requesting the said respondent to inform about the date of hearing of the revision application. As can be seen from the endorsement below those letters, the office of the respondent no.2 has in fact received those letters. In view of this, it is clear that the petitioners are not informed regarding the date of hearing of the revision application. Under the circumstances, it is not possible for me to accept the statement that six different dates had been given and on none of the dates the petitioners remained present. In this view of the matter, I set aside the order dated 17th Dec.1999 passed by the respondent no.2 and remand the matter to him with a direction to decide the revision application preferred by the petitioners after hearing

the petitioners in accordance with law. This petition is accordingly allowed and the Rule is made absolute, with no order as to costs.

(K.R. Vyas, J.)

Sreeram.